

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 06-14297-C  
DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

OCT 11 2006

THOMAS K. KAHN  
CLERK

JACKIE LAMAR JOHNSON,

Petitioner-Appellant,

versus

KENNETH JONES, Warden,  
TROY KING, The Attorney General  
of the State of Alabama,

Respondents-Appellees.

Appeal from the United States District Court for the  
Middle District of Alabama

ORDER:

To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of the underlying claim, and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000). Because appellant has failed to make the requisite showing, the motion for a certificate of appealability is DENIED.

Appellant's motion to proceed in forma pauperis is DENIED AS MOOT.

A True Copy - Attested:

Clerk, U.S. Court of Appeals,  
Eleventh Circuit

/s/ Ed Carnes

UNITED STATES CIRCUIT JUDGE

By:

*Angela Mitchell*  
Deputy Clerk  
Atlanta, Georgia

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